

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON

J. MICHELLE EARICK,

Plaintiff,

Case No. 3:20-cv-234

vs.

COMMISSIONER OF THE SOCIAL
SECURITY ADMINISTRATION,

District Judge Michael J. Newman
Magistrate Judge Peter B. Silvain, Jr.

Defendant.

ORDER: (1) ADOPTING THE REPORT AND RECOMMENDATION OF THE UNITED STATES MAGISTRATE JUDGE (DOC. NO. 18); (2) VACATING THE ALJ'S NON-DISABILITY FINDING; (3) REMANDING THIS CASE TO THE COMMISSIONER UNDER THE FOURTH SENTENCE OF 42 U.S.C. § 405(g) FOR FURTHER PROCEEDINGS; AND (4) TERMINATING THIS CASE ON THE DOCKET

This Social Security appeal is before the Court on the Report and Recommendation issued by United States Magistrate Judge Peter B. Silvain, Jr. (Doc. No. 18), to whom this case was referred pursuant to 28 U.S.C. § 636(b). Judge Silvain recommended that the Administrative Law Judge's ("ALJ's") non-disability finding be vacated and this case remanded to the Commissioner under the Fourth Sentence of 42 U.S.C. § 405(g). Neither party objected to the Report and Recommendation.

Upon careful *de novo* consideration of the foregoing, the Court determines that the Report and Recommendation should be adopted. Accordingly, it is hereby **ORDERED** that: (1) the Report and Recommendation is **ADOPTED** in full (Doc. No. 18); (2) the ALJ's non-disability finding is **VACATED**; (3) this case is hereby **REMANDED** to the Commissioner for further proceedings under the Fourth Sentence of 42 U.S.C. § 405(g); and (4) this case is **TERMINATED** on the docket.

IT IS SO ORDERED.

Date: 10/25/2021

s/ Michael J. Newman
Hon. Michael J. Newman
United States District Judge